

AE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

J.N

NOV 30 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

FREDERICK BLUNT15108 UNIVERSITY AVE

(Name of the plaintiff or plaintiffs)

DOLTON, IL 60419

v.

CIVIL ACTION

07cv6753

JUDGE ZAGEL

MAG. JUDGE BROWN

COM Ed1910 BRIGG STREETJOLIET, IL 60433

(Name of the defendant or defendants)

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is FREDERICK BLUNT of
the county of COOK in the state of ILLINOIS

3. The defendant is COM Ed UTILITY CO., who

resides at (street address) 1910 BRIGG STREET

(city) JOLIET (county) COOK (state) ILL. (ZIP) 60433

(Defendant's telephone number) (815) - 467 - 3621

- 4) The plaintiff sought employment or was employed by the defendant at

(street address) 1910 BRIDGE STREET

(city) JOLIET (county) COOK (state) ILL (ZIP code) 60433

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
 (b) ☐ was hired and is still employed by the defendant.
 (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) FEB., (day) 2ND, (year) 2006

7. (a) The plaintiff [check one box] ☐ has not filed a charge or charges against the defendant ☒ has

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission on or about
 (month) SEPT. (day) 18TH (year) 2006.
 (ii) ☒ the Illinois Department of Human Rights on or about
 (month) DEC. (day) 6 (year) 2006.

- (b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES ☐ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

- (b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) SEPT.
 (day) 18TH (year) 2007 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☐ Age (Age Discrimination Employment Act).
 (b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 (c) ☐ Disability (Americans with Disabilities Act)
 (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
 (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☒ YES ☐ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
 (b) ☒ terminated the plaintiff's employment.
 (c) ☐ failed to promote the plaintiff.
 (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
 (f) ☐ other (specify): _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

White Male was re-hired, when
he was wrongfully tested for
alcoholic beverages, illegal or
controlled substances in the
year of 2003. Joe Dryer is
his name. Job title Overhead Electrician.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____
- _____
- _____
- _____
- _____
- _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Frederick Blunt

(Plaintiff's name)

Frederick Blunt

(Plaintiff's street address)

15108 UNIVERSITY AVE

(City)

DOLTON

(State)

IL

(ZIP)

60419

(Plaintiff's telephone number)

(708) - 214-8400

EEOC Form 181 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Frederick Blunt**
15108 University Avenue
Dolton, IL 60419

From: **Chicago District Office**
500 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8815 5547



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2006-09580

Eva Baran,
Investigator

(312) 353-7303

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

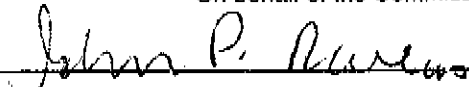
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



John P. Rowe,
District Director

9-17-07

(Date Mailed)

Enclosures(s)

cc: COM- ED/EXELON

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**440-2006-09580****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Frederick Blunt

Home Phone (Incl. Area Code)

(708) 201-0137

Date of Birth

07-12-1960

Street Address

City, State and ZIP Code

15108 University Avenue, Dolton, IL 60419

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

COM-ED

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(815) 724-5614

Street Address

City, State and ZIP Code

1910 Brigg Street, Joliet, IL 60433

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE
 ☐ COLOR
 ☐ SEX
 ☐ RELIGION
 ☐ NATIONAL ORIGIN
 ☐ RETALIATION
 ☐ AGE
 ☐ DISABILITY
 ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

02-03-2006**08-05-2006**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I have been employed with Respondent since December 6, 1984. My most recent position was Crew Leader/Cable Splicer. On or about February 2, 2006 I sustained an injury to my arm. I do not know what the cause of the injury was but my non-Black foreman took me to the Respondent physician. After a cursory examination I was given an over-the-counter pain pill and went home. On or about February 3, 2006, I called off work due to continued pain in my arm and I made an appointment to see my own physician. My foreman called and asked me to see Respondent's physician which I declined due to having a medical appointment scheduled. The foreman called twice more that day and subsequently insisted on picking me up while I was off from work and further, after my regularly scheduled hours, to have me see Respondent's physician. I informed the foreman that I had a medical note stating I was to be off for the next 4-6 weeks. I was told to I had to comply or my job would be in jeopardy. I was taken to a clinic and given a drug and alcohol test which produced a positive result for drugs. I was instructed by Respondent's EAP to participate in a 5-week program which I completed. I returned to work on or about April 5, 2006. On or about July 28, I was given a random follow-up drug test which had a positive result. I was terminated on August 5, 2006. Non-Black employees who have repeatedly called off have not been subjected to these circumstances and have retained their positions.

I believe I have been discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

SEP 18 2006

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Sep 18, 2006

Date

Charging Party Signature

ILLINOIS DEPARTMENT OF
 **Human Rights**
COMMEMORATING 25 YEARS OF SERVICE

ROD BLAGOJEVICH, GOVERNOR
ROCCO CLAPS, DIRECTOR

December 6, 2006

Mr. Frederick Blunt
15108 University Avenue
Dolton, IL 60419

Re: Frederick Blunt v. Com Ed, Control Number 071204097:

Dear Mr. Blunt,

When you filed your charge of discrimination with the United States Equal Employment Opportunity Commission (EEOC) it was automatically filed with the Illinois Department of Human Rights. At this time, the Department is keeping a copy of your EEOC charge on file to preserve jurisdiction under Illinois law. **It is important for you to understand that the Department is taking no other action on your charge at this time, and there is no need for you to contact the Department of Human Rights.**

In the future, after you have received EEOC's determination and findings, if you wish to have the Department investigate your charge, you must notify the Department in writing within 35 days. Along with your letter, you must include a copy of EEOC's determination and findings. The letter should be sent to the Department of Human Rights, ATTN: Pre-Investigations/EEOC Charge, and sent via U.S. Postal certified mail, return receipt requested. If you choose to personally deliver the letter and EEOC's findings, you must bring an original and one copy of each. The copies will be stamped by the Department and should be kept for your records.

When the Department receives your letter, including a copy of EEOC's determination and findings, you will be sent a notice to perfect (you must sign and notarize) your EEOC charge. If you do not perfect the charge and return it to the Department within 35 days after you receive the Department's notice, the Department shall conclude that you do not want the Department to investigate your claim and shall close your case. Upon receipt of the perfected charge the Department may adopt the EEOC determination and findings.

It is not necessary that Respondent take any action at this time.

This letter does not apply to any settlement of this charge the parties have made with EEOC.

THE DEPARTMENT OF HUMAN RIGHTS

Cc:
Com Ed
1910 Brigg Street
Joliet, IL 60433

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (AFL-CIO)
Local Union 15, IBEW

Case #: 2006-229-COP-JA Date: 2/28/06
 Steward or Chief Steward Having Business Rep.
 Jurisdiction & Contact #: SRYGLE & WEISSENHUFER Having Jurisdiction: B. LOOMIS
 Under Article: II Step #: 1
 Section: (Or any other part of the Contract as applies) Date Received (Union use): 2/20/06

FACTS IN CASE (To be filled in by Union)

1. Name of Employee(s): FRED BLUNT
2. Business Unit: COP
3. Department: UNDERGROUND
4. Location: JA
5. Type of Grievance: 01 5a. Subtype: A
6. Date Case Occurred: 2/9/06
7. Date answered at Local level: 2/9/06
8. Discussion at Local level between: J. ECHORN & J. SRYGLER
9. Answer at Local level was given by: J. ECHORN & P. HALAHAN
10. Description of Case:
 THE GREIVANT WAS FORCED TO TAKE A DRUG TEST FOR UNJUST CAUSE. THIS WAS A VIOLATION OF COMED LOCAL 15 DRUG TEST POLICY. LOCAL 15 IS ASKING FOR THIS TYPE OF PRACTICE TO STOP AND DROP ALL ISSUES PERTAINING TO THIS CAUSE.

Employee's Signature: _____
 Union Representative's Signature: _____

DISPOSITION OF CASE (To be filled in by Company)

1. Date form received: _____
2. Date discussed by Company and Union: 4/5/06
3. The Company's Position:
The employee was subject to a CDL random drug test; the employee sustained a positive result for that test.
4. Date answer given to Union: 4/7/06
- Company Representative's Signature: Donnie Bishop
- Title: C&M Supervisor

2006-229-COP-JA